

## INSPECTIONS AND APPEALS DEPARTMENT[481]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 231C.3(1), the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 69, “Assisted Living Programs,” Iowa Administrative Code.

The amendment permits assisted living programs to provide respite care services and sets forth the requirements for providing such services.

The Department does not believe that the proposed amendment poses a financial hardship on any regulated entity or individual.

Any interested person may make written suggestions or comments on the proposed amendment on or before July 15, 2014. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to [David.Werning@dia.iowa.gov](mailto:David.Werning@dia.iowa.gov).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 231C.3(1).

The following amendment is proposed.

Adopt the following new rule 481—69.39(231C):

**481—69.39(231C) Respite care services.** “Respite care services” means an organized program of temporary supportive care provided for 24 hours or more to a person in order to relieve the usual caregiver of the person from providing continual care to the person. “Respite care tenant” means a tenant receiving respite care services. An assisted living program which chooses to provide respite care services must meet the following requirements related to respite services and must be certified as an assisted living program.

**69.39(1) *Length of stay.*** Respite care shall be provided for no more than 30 consecutive days and for a total of no more than 60 days in a consecutive 12-month period. The 12-month period begins on the first day of the respite care tenant’s stay in the program.

**69.39(2) *No separate certificate.*** An assisted living program that chooses to provide respite care services is not required to obtain a separate certificate or pay a certification fee.

**69.39(3) *Assessment.*** The program nurse shall conduct an assessment of the respite care tenant prior to the respite care tenant’s stay. The assessment shall be documented and shall include, at a minimum:

- a. Safety and supervision needs;
- b. Medical needs;
- c. Dietary needs; and
- d. Bowel and bladder function.

**69.39(4) *Written direction to staff.*** The program nurse shall provide written direction to staff concerning the needs of the respite care tenant based on the assessment conducted pursuant to subrule 69.39(3).

**69.39(5) *Involuntary discharge.*** A respite care tenant may be involuntarily discharged. Rule 481—69.24(231C) shall not apply. The program shall make proper arrangements for the welfare of the respite care tenant prior to involuntary discharge, including notification of the respite care tenant’s family or legal representative.

**69.39(6) *Contract.*** The program shall have a contract with each respite care tenant. The contract shall, at a minimum, include the following:

- a.* The time period during which the tenant will be considered to be receiving respite care services, not to exceed 30 consecutive days.
- b.* A description of all fees, charges, and rates for respite care services, and any additional and optional services and their related costs.
- c.* A statement that a respite care tenant may be involuntarily discharged. Rule 481—69.24(231C) shall not apply.
- d.* Identification of the party responsible for payment of fees and identification of the respite care tenant's legal representative, if any.
- e.* A statement that all respite care tenant information shall be maintained in a confidential manner to the extent required under state and federal law.
- f.* The refund policy, if applicable.
- g.* A statement regarding billing and payment procedures.

**69.39(7) *Admission as tenant.***

- a.* A respite care tenant shall not be considered an admission to the program.
- b.* A respite care tenant shall be included in the program's census.
- c.* The program shall not enter into multiple 30-day contracts with a respite care tenant in order to lengthen the respite care tenant's stay in the program.
- d.* If a respite care tenant remains in the program beyond 30 consecutive days and is eligible for admission, the department shall consider the person a tenant in the program. The program shall follow all requirements for admission to the program.

**69.39(8) *Level of care criteria.*** Respite care tenants must meet the criteria found in subrule 69.23(1) for admission and retention of tenants. Respite care services shall not be provided by an assisted living program to persons requiring a level of care which is higher than the level of care the program is certified to provide.

**69.39(9) *Accessibility by the department.*** The department shall have the same access to respite care records as provided in 481—subrule 67.10(2).